

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 6, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 4-5 and 12-13 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

In that it is believed that every rejection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-2 and 6-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Onuma ("Onuma," U.S. Pat. No. 6,609,210). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Onuma reference. Applicant discusses Applicant's claims and the Onuma reference in the following.

A. Claims 1-5

Independent claim 1 provides as follows (emphasis added):

1. A method *performed by a networked computer peripheral* for cycling trigger-event operations of the networked computer peripheral, the method comprising:

periodically monitoring at least one current timestamp service across a network connection to obtain a current timestamp;

recording a first timestamp indicative of time of a current trigger-event operation;

using the first timestamp and current timestamp, calculating elapsed time since a last trigger-event operation; and

re-running said trigger-event operation only when the elapsed time exceeds a pre-specified period for cycling operations.

As is recited in claim 1, Applicant's claimed method is "performed by a networked computer peripheral". Notably, no such method is performed by a computer peripheral in the Onuma system. To the contrary, all of the actions identified in the Office Action in formulating the rejection of Applicant's claims are performed by a "host computer 1". Onuma, column 4, line 59 to column 5, line 49; Figure 1. Onuma's disclosed peripheral (i.e., "printer 13") performs no such actions. For at least this reason, Onuma does not anticipate claim 1 or the claims that depend therefrom.

As a further point, Onuma does not teach or suggest "periodically monitoring at least one current timestamp service across a network connection to obtain a current timestamp" as is also required by claim 1. First, as noted above, Onuma does not teach a computer peripheral that monitors any timestamps. Second, Onuma does not teach that any device, whether it be a computer peripheral or other device, that obtains a timestamp from a "current timestamp service across a network connection". Instead,

Onuma only describes a data transfer controller 6 that “acquires the current time.” Onuma, column 6, line 8. Nowhere does Onuma state that a timestamp is obtained using a network connection.

B. Claims 6-8

Independent claim 6 provides as follows (emphasis added):

6. A *computer peripheral* comprising:

a machine having a memory including a predetermined cyclical machine associated recalibration routine; and

on-board said machine, a *network interface coupling the machine to a network*, an *application for obtaining timestamps across said interface*, and a *routine for calculating elapsed time since running the predetermined cyclical recalibration routine using said timestamps*.

In view of the discussion regarding independent claim 1 above, it is readily apparent that Onuma fails to teach or suggest a computer peripheral that includes a “network interface coupling the machine to a network”, an “application for obtaining timestamps across said interface”, or a “routine for calculating elapsed time since running the predetermined cyclical recalibration routine using said timestamps”. Specifically, Onuma does not describe a peripheral device that obtains timestamps, whether using a network interface or other mechanism. Moreover, Onuma is silent about “cyclical recalibration” of a peripheral device “using said timestamps”. Claim 6 and its dependents are allowable over Onuma for at least these reasons.

C. Claims 9-14

Independent claim 9 provides as follows (emphasis added):

9. A computer memory having *code for cycling calibration operations of a networked computer peripheral*, the memory comprising:

computer code configured to periodically *monitor at least one current timestamp service across a network connection* to obtain a current timestamp;

computer code configured to record a first timestamp indicative of time of current calibration operation;

computer code configured to use the first timestamp and current timestamp to calculate an elapsed time since a last trigger-event cycle; and

computer code configured to re-run said calibration on the computer peripheral only when the elapsed time exceeds a pre-specified period for cycling operations.

From the above discussions, it can be appreciated that Onuma fails to teach or suggest “code for cycling calibration operations of a networked computer peripheral” or any code that is configured to “monitor at least one current timestamp service across a network connection” or “re-run said calibration on the computer peripheral only when the elapsed time exceeds a pre-specified period for cycling operations” as are required by independent claim 9. In view of this, claim 9 and its dependents are allowable over Onuma.

D. Conclusion

Due to the shortcomings of the Onuma reference described in the foregoing, Applicant respectfully asserts that Onuma does not anticipate Applicant's claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

Claims 3, 11, and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Onuma. Applicant respectfully traverses this rejection.

As is discussed above, Onuma fails to anticipate or suggest several limitations that are found in independent claims 1 and 9. Given that claims 3, 11, and 14 depend from claim 1 or claim 9, claims 3, 11, and 14 are allowable over Onuma for at least the reasons discussed above in relation to claims 1 and 9. Therefore, it is Applicant's position that claims 3, 11, and 14 are not obvious in view of Onuma and Applicant requests that the rejection of these claims be withdrawn.

IV. New Claims

As identified above, claims 15-30 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Rodack', is written over a horizontal line.

David Rodack
Registration No. 47,034